

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

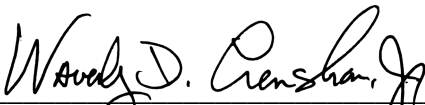
TENNESSEE CLEAN WATER)	
NETWORK and TENNESSEE SCENIC)	
RIVERS ASSOCIATION,)	
)	
PLAINTIFFS,)	NO. 3:15-cv-00424
)	JUDGE CRENSHAW
v.)	
)	
TENNESSEE VALLEY AUTHORITY,)	
)	
DEFENDANT.)	

ORDER

For reasons in the accompanying Memorandum Opinion, TVA's Motion to Dismiss for Failure to State a Claim (Doc. No. 12) is **GRANTED** in part and **DENIED** in part; TVA's Motion to Dismiss Plaintiffs' Claim for Civil Penalties and Jury Demand (Doc. No. 28) is **DENIED** as to civil penalties and **GRANTED** as to Plaintiffs' jury demand, and the Court hereby **STRIKES** Plaintiffs' demand for a jury; TVA's Motion for Judgment on the Pleadings as to All Plaintiffs' Claims Regarding Seeps (Doc. No. 51) is **DENIED**; TVA's Motion for Summary Judgment on Plaintiffs' Claim B (Doc. No. 57) is **DENIED AS MOOT**; TVA's Motion for Judgment on the Pleadings as to Plaintiffs' Claim E (Doc. No. 102) is **GRANTED** as to Claim E.a and **DENIED** as to all other claims; Plaintiffs' Motion for Partial Summary Judgment (Doc. No. 106) is **DENIED**; and TVA's Request for Judicial Notice (Doc. No. 136) is **GRANTED**. Plaintiffs' Claims B and E.a are **DISMISSED**. Claims A, C, D, E.b, E.c, E.d, and E.e are **DISMISSED** except insofar as they deal with one or both of the following: discharges from the Non-Registered Site into the Cumberland River; and discharges from the Ash Pond Complex via hydrologic flows that are not seeps alone.

The case is SET for a status conference on October 19, 2016 at 10:30 a.m. in Courtroom A859.

IT IS SO ORDERED.



WAVERLY D. CRENSHAW, JR.
UNITED STATES DISTRICT JUDGE